

CRONJE HOLDS ON.

NO SURRENDER!

50 GUNS RAIN SHELLS ON BOERS.

"SAPHO" IN COURT; CALLED IMMORAL.

Witnesses Describe the
Play and Hearing Is
Adjourned.

Oiga Nethersole, the actress, was arraigned before Magistrate Most in the Centre Street Court today. She was charged with acting in an immoral play, "Sapho," which was being performed at the Theatre, where the play "Sapho" is being performed; Marcus Mayer, manager for Miss Nethersole, and Hamilton Beville, the actor, who is the leading man of the company.

The offense charged against these persons is misdemeanor and the penalty is a fine or imprisonment or both.

ALMOST A RIOT IN COURT.

The star chamber proceedings began shortly after 11 o'clock. After Magistrate Most announced that the hearing was to be secret, a disgraceful scene ensued.

The crowd mobbed the door in something that almost approached a riot. A passage had to be forced by the police officers to permit the Magistrate to get to the examination room.

The only witnesses examined today were Robert Mackay, the complainant, and the Rev. Miss Phoebe Hanford, a Universalist preacher and President of the Women's Christian Temperance Union.

The hearing was then adjourned until Tuesday morning next.

The Assistant District Attorney said that the prosecution would probably take three days more to get in all of their testimony and the defense about two.

"We are satisfied with the case as far as it has gone," he declared. "We are looking for a decision that will impose a fine and the withdrawal of the play from the boards."

Mr. Mackay testified to the simple facts in the case, but was not permitted to give impressions or suggestions. During his testimony Miss Nethersole recited with all her dramatic emphasis a portion of the third act, her counsel endeavoring to point out the moral of the play.

NETHERSOLE RECITES.

Mr. Mackay asked Miss Nethersole to repeat that portion of the play where Fanny La Grande beseeches Filomont to marry.

Miss Nethersole, without rising from the witness stand, repeated with passionate declaration:

"If not for our sakes, at least for the sake of the child."

"It would send him out into the world on an equal footing with the rest, would it not? You and I alone are two broken miserable creatures, but together even we might make something of the rest of our lives."

"Filomont replies," said Miss Nethersole, "I will do it."

HER DRAMATIC FORCE.

The last few words were delivered with dramatic force, and the little group in the examination room were silent for a moment.

After Mackay was through, the Rev. Phoebe Hanford was called to the stand. Miss Hanford some time ago went to the theatre for The World and denounced the play as immoral. This is what she said in a signed statement, which was written in the theatre:

"I cannot commend the play. I regard it as a senseless, tedious and suggestive immoral play; one to which I would not take a youth of either sex, and one which should be frowned upon by persons of good taste and good morals."

"One lady, who is a good judge of plays, styled it 'nauseatingly unwholesome.' If such plays were the only ones upon the stage it would be wise to abolish the theatre forever. However fine the acting may be nothing can redeem the play from the charge of being unfit for the American stage."

"As a representation it may be true to life, but it is a question whether it

HERE'S CRONJE!



(From the latest photograph of "the Lion of Africa," who at the head of 25,000 Boers has kept 25,000 British at bay for six days.)

\$144,389 LIEN ON THIRD AVENUE ROAD.

Plan for Reorganization Announced to Have Been Made.

Acting on behalf of the National Cigar and Cable Company, Attorney James H. Warner, of 120 Broadway, this afternoon filed in the County Clerk's office a mechanic's lien for \$144,389 against the Third Avenue Railroad Company.

The claim represents the price of 14,438 feet of cable, which was furnished to the traction company and used in the installation of electricity in the company's lines.

The filing of the lien, it is said, was preparatory to the taking of steps to compel the payment of the contract company's claim.

Announcement was made this afternoon that the banking firm of Vermilye & Co., Halgarten & Co. and Heidebach, Lecheimer & Co. had, at the solicitation of the stockholders of the Third Avenue Railroad Company, executed a reorganization of its finances, and that they are ready to confer with the creditors of the company.

IOP.M.EXTRA

BOER ACCOUNTS OF THE HEAVY FIGHTING SINCE LAST SUNDAY

PRETORIA, Wednesday, Feb. 21.—The following war bulletin has been issued here:

A report was received this morning of cannon firing west of Colerburg.

At Petrusburg cannon firing commenced at 6 in the morning. A big fight was expected to-day.

"Dewet telegraphed yesterday from Petrusburg that all was quiet except several cannon shots and small skirmishes."

"Yesterday evening the British stormed the Federal positions as far as Schaefer, but were driven back."

A message from Gen. Cronje is to the effect that the Boers yesterday were five miles from the chief laager. At night we cut our way through with the loss of seven dead and sixteen wounded. The loss of the British was heavy. Yesterday we cut our way through to reach Dewet who was in the neighborhood. Fifty-three prisoners (7) were taken and 100 three prisoners formerly taken have been forwarded."

It is reported that the British were continually attacking Koodoos and yesterday with infantry and breeches, but they were driven by Koodoos.

Henry Budge, of Halgarten & Co., announced for a consultation with the newly formed committee representing banking houses had yet been made. "The committee as formed is perfectly satisfactory to us," he said. "We are ready to meet its members whenever they express a desire to that end."

Just before the stock market closed this afternoon Third Avenue was sold at 90 1/2, the lowest of the day.

Later there was a conference between representatives of the proposed syndicate on the one hand and Edward Laithe and several others interested in the Third Avenue Railroad on the other hand.

No public announcement resulted from the conference beyond the statement that definite details concerning the refunding term would probably be given out to-morrow.

Suicide at Seventy-six Years.

Dependent and out of work John T. Conrath, seventy-six years old, committed suicide to-day by taking cyanide acid. The old man was formerly an entrepreneur, but of late had been too feeble to get about.

25,000 BRITISH FIGHT 6 DAYS WITH 8,000 BOERS.

LONDON, Feb. 23.—Up to 4 o'clock this afternoon no further despatches from Lord Roberts had been given out by the War Office. The situation was believed to be unchanged.

Every hour is expected to bring news of Gen. Cronje's capture with his 8,000 men by the 25,000 British who surround him.

On all sides wonder is expressed that the gallant, yet ghastly, battle at Paardeberg Drift has not ended in what is considered to be the inevitable.

With fifty guns bearing upon the devoted band within the terribly short range of 2,000 yards, capture or utter annihilation can be the only result unless all reports of the Boer reinforcements are wrong.

Cronje will not surrender. He may be captured with the survivors of his army, but he has given the order, "Fight on!"

British artillery may wipe out his forces as Kitchener slaughtered the Dervishes at Omdurman, but it will be a fight to the death.

The critics canvass every untoward contingency that can affect Field Marshal Lord Roberts, and see nothing that can save Gen. Cronje from the terrible fate in which he has been caught.

Even an unexpectedly strong attack on Lord Roberts's lines of communication could scarcely, according to these experts, materially alter the result. Rumors were current this morning that the end of the struggle had actually come, but these emanated from information received by the Rothschilds, which they subsequently discovered to be utterly without foundation.

Cronje is called "the Lion of Africa," and, like the tawny king of the jungle, he will die before he will surrender. Englishmen here are not slow to confess admiration of the gallant defense being made by the Boer chief, and they recall their own sea hero, Sir Richard Grenville, and his immortal words, "Fight on!"

The capture of the 8,000 Boers penned up with Cronje at Paardeberg Drift or their destruction would be a terrible blow to the Boer cause. Roberts has enough men and guns to keep Cronje tight and still defeat any attempt to reinforce him.

HOSPITAL NOT HOME.

"Unpaid Laborers" Cannot Vote from Bellevue.

The Appellate Division of the Supreme Court to-day handed down a decision to the effect that an "unpaid laborer" in a public hospital does not establish a legal residence at the institution.

Section 2 of Article II. of the State Constitution provides that no person shall be deemed to have gained or lost a residence while in the service of the United States. "Unpaid laborers" (those who keep at work in the hospital while kept at work in the hospital) are not deemed to have gained or lost a residence while in the service of the United States.

We find that upon the election in question there were no of these unpaid laborers in the hospital and no of these unpaid laborers in the hospital.

Frank McMane, an "unpaid laborer" at Bellevue Hospital, was committed for the action of the Grand Jury for having registered and voted from the hospital last Fall. He was discharged at Special Term on writ of habeas corpus and certiorari.

An appeal was taken and the Appellate Division now orders that the laborer be remanded to the custody of the Warden of the City Prison.

The Court, in its opinion by Justice Barrett, held that the word "residence" in the clause quoted from the Constitution covers the case of an inmate who was not there under some contract, express or implied. In this case, however, the man was there under a bare license and liable to be put out at any moment. Justice Barrett says that willing witnesses were led by skillful questioning to say that they had a contract to work for "board, lodging and clothing." The Superintendent, however, had no authority to employ unpaid help. Certain men were, indeed, told they could stay and could get "an occasional suit of dead men's clothes," as Justice Barrett puts it, but it all amounted to no more than charity, with no authority to employ unpaid help.

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